

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

**ATTACHMENT**

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

<b>Design- ation</b>	<b>Docket #</b>	<b>Filing Date</b>	<b>Description</b>
15.	512	8/19/2013	Objection to Eligibility to Chapter 9 Petition, Brief in Support, filed by creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association (Attachments: Exhibit A – Declaration of Mark Diaz; Exhibit A-1 (Part 1) Award; Exhibit A-1 (Part 2); Exhibit A-1 (Part 3); Exhibit A-2 Interim Award; Exhibit B - McNamara Declaration and Ex 1 and 2; Exhibit C – Young Declaration; Exhibit D – Gurewitz Declaration)

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**MEMORANDUM REGARDING SUPPLEMENTAL AUTHORITY**

On November 8, 2013, the Sixth Circuit Court of Appeals entered its Order in the case *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, docket no. 12-2087 (November 8, 2013 Order) and granted Defendant's and Intervenor Defendant's Petition for Rehearing En Banc. (Exhibit 1.) As a result, the decision in this case reported at *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, 726 F.3d 767 (6th Cir. 2013) is vacated and the mandate is stayed. The case has been restored to the docket to be briefed and argued *en banc*.

The reported decision was cited and relied on by several Objectors in support of arguments challenging the constitutionality of 2012 P.A. 436. The most recent references are found in Doc. #1471, pp. 8-9 (RDPMA's supplemental briefing) and Doc. #1474, pp. 13-15 (Official



Committee of Retirees supplemental briefing). Because this Order vacates the reported decision and stays the mandate, it has no application in the captioned matter.

Respectfully submitted,

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Dated: November 14, 2013

No. 12-2087

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Nov 08, 2013

) DEBORAH S. HUNT, Clerk

CITY OF PONTIAC RETIRED EMPLOYEES ASSOCIATION, ET AL.,

Plaintiffs-Appellants,

**V.**

LOUIS SCHIMMEL, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY  
AS EMERGENCY MANAGER OF THE CITY OF PONTIAC, ET AL.,

Defendants-Appellees.

ORDER

**BEFORE:   BATCHELDER, Chief Judge; BOGGS, MOORE, COLE, CLAY, GIBBONS,  
ROGERS, SUTTON, COOK, McKEAGUE, GRIFFIN, KETHLEDGE, WHITE,  
STRANCH, and DONALD, Circuit Judges.**

A majority of the Judges of this Court in regular active service have voted for rehearing of this case en banc. Sixth Circuit Rule 35(b) provides as follows:

“A decision to grant rehearing en banc vacates the previous opinion and judgment of the court, stays the mandate, and restores the case on the docket as a pending appeal”

Accordingly, it is **ORDERED**, that the previous decision and judgment of this court is vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

**ENTERED BY ORDER OF THE COURT**

Rich L. Hunt

**Deborah S. Hunt, Clerk**